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EXAMINER

ZAMAN, FAISAL M

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

1 RECORD OF ORAL HEARING
2 UNITED STATES PATENT AND TRADEMARK OFFICE

3 _____
4 BEFORE THE BOARD OF PATENT APPEALS
5 AND INTERFERENCES

6 _____
7 *Ex parte* KOJI TSUKIMORI and KEIJI HIRA

8 _____
9 Appeal 2009-015086
10 Application 10/799,617
11 Technology Center 2100

12 _____
13 Oral Hearing Held: May 12, 2010
14 _____

15
16 Before JOSEPH L. DIXON, JAY P. LUCAS and CAROLYN D. THOMAS,
17 *Administrative Patent Judges*

18
19 ON BEHALF OF THE APPELLANT:
20 BRIAN K. DUTTON, ESQUIRE
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25

1 MR. DUTTON: May it please the Court, my name is Brian
2 Dutton. I'm counsel for the Appellant before this Court today.

3 The following issue before this Court is whether the Examiner
4 erred in rejecting the claims in the present application. We believe the
5 claims are commensurate with the scope of the specification.

6 U.S. Patent Number 5,680,596 which was relied upon by the
7 Examiner, I'm going to refer to that as the Iizuka patent; and also, the
8 Examiner referred to the AAPA.

9 We note in both our Appeal Brief and Reply Brief, just getting
10 to what we feel is the point of the matter, is that what's being transferred
11 between devices are not the same within the Iizuka patent and the AAPA.
12 As a consequence, there's really no reason that we could combine these
13 references or why the skilled artisan could have combined the references in
14 the manner that the Examiner is proposing. We affirmed in our argument
15 that the Examiner has admitted in the Final Office Action and again within
16 the Examiner's Answer that there are many items that are absent from the
17 AAPA. For example, the Examiner admits the absence of a computer
18 interface unit; also the absence of an acquisition command; also the absence
19 of another signal in which the absence of a controller.

20 However, the Examiner contends that these features can be
21 found within the Iizuka patent and that the skilled artisan would have
22 combined the two in the manner that would meet the claims of our invention.

23 What we are highlighting in both our Briefs is that what is
24 transferred in the Iizuka patent is not found information at the time of loss
25 that we have claimed in our claims and in particular our claim has the
26 information extracted from the reference signal as title notice signal.

27 Now, the Examiner says, well, that's in their AAPA. However,
28 that AAPA does not show a transfer of what the Examiner calls this title
29 notice signal between various components. There's no discussion of that in
30 the AAPA.

31 In the Iizuka patent there is no flow of synchronization
32 information at all within that particular reference. Instead, Iizuka appears to

1 transfer information regarding measurements and things of that nature that
2 are generated as opposed to information that is extracted from the particular
3 signals.

4 So, because of that, the information that apparently is
5 transferred back and forth in the Iizuka patent is not the information that
6 we're claiming and it is not the information that is presumed in the AAPA;
7 and that's basically the thrust of our argument and the thrust of our position,
8 and I guess I really don't have too much more to add. I'm just wondering if
9 there are any particular questions.

10 JUDGE LUCAS: No.

11 JUDGE DIXON: No.

12 MR. DUTTON: Okay. With that, thank you very much for
13 your time and I await your decision.

14 JUDGE DIXON: Okay. Thank you for coming in.

15 Whereupon, at approximately 10:14 a.m., the proceedings were
16 concluded.